U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)

FILE NUMBER: 2002-00643

### PROJECT LOCATION INFORMATION:

State: New York County: Nassau

Center coordinates of site (latitude/longitude): lat:40-50-17.5200 lon:73-43-37.2000

Approximate size of area (parcel) reviewed, including uplands: <0.03 acres.

Name of nearest waterway: Manhasset Bay Name of watershed: MANHASSET BAY

### JURISDICTIONAL DETERMINATION

Completed: Desktop determination [X] Date: June 30, 2002 Site visit(s) [X] Date(s): October 7, 2002

### Jurisdictional Determination (JD):

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - [X] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - [ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - [] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.
    - [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

## B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

- [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.
- [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in intersrate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Manhasset Bay is subject to the ebb and flow of the tide and is navigable.

	Lateral Extent of Jurisdiction: (Reference: 33 CF	
	[] Ordinary High Water Mark indicated by:	[X] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or seum line along shore objects
	[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/charaeteristics
	destruction of terrestrial vegetation	[] tidal gages
	shelving	[X] other: Site visit on 10/7/02
		[A] duter. Site visit on 10/7/02
	[ ] other:	
	erse for 137 and 12 ft a 11	
	[] Mean High Water Mark indicated by:	
	[ ] survey to available datum; [ ] physical marki	ngs; [] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached we	etland delineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	The reviewed area consists entirely of uplands.	
		'ED port 209(a)(1, 2, as 4.7)
	[] Unable to confirm the presence of waters in 33 C	
	[] Headquarters deelined to approve jurisdiction on	
		n that the following waters present on the site are not Waters of
	the United States:	
	[] Waste treatment systems, including treatment	
	[] Artificially irrigated areas, which would rever	t to upland if the irrigation ccased.
	[ ] Artificial lakes and ponds created by excavating	ng and/or diking dry land to collect and
	retain water and which are used exclusively for	or such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[ ] Artificial reflecting or swimming pools or oth	er small ornamental bodies of water created
	by excavating and/or diking dry land to retain	
		icidental to construction activity and pits excavated in dry land for
		inless and until the construction or excavation operation is
		ects the definition of waters of the United States found at 33 CFR
		icts the definition of waters of the Officed States found at 33 CFR
	328.3(a).	
	[ ] Isolated, intrastate wetland with no nexus to in	
		e Natural Resources Conservation Service. Explain rationale:
	[ ] Non-tidal drainage or irrigation ditches excava	ited on dry land. Explain rationale:
	[ ] Other (explain):	
DATA .	REVIEWED FOR JURISDICTIONAL DETERMINA	ATION (mark all that apply):
	[ ] Maps, plans, plots or plat submitted by or on beha-	
	[ ] Data sheets prepared/submitted by or on behalf of	
	[] This office concurs with the delineation report	
	[ ] This office does not concur with the delineation	
	Data sheets prepared by the Corps.	in report, differ , prepared by (company).
	[] Corps' navigable waters' studies:	
	[] U.S. Geological Survey Hydrologic Atlas:	
	[ ] U.S. Geological Survey 7.5 Minute Topographic 1	
	[] U.S. Geological Survey 7.5 Minute Historic quadr	
	[ ] U.S. Geological Survey 15 Minute Historic quadra	angles:
	[ ] USDA Natural Resources Conservation Service Se	oil Survey:
	[ ] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[] FEMA/FIRM maps (Map Name & Datc):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[] Acrial Photographs (Name & Date):	
	[ ] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on:	
	[ ] Applicable/supporting case law:	
	[ ] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

**DISTRICT OFFICE:** NEW YORK DISTRICT (CENAN)

**FILE NUMBER:** 2004-01000

### PROJECT LOCATION INFORMATION:

State: New York County: Greene

Center eoordinates of site (latitude/longitude): lat:42-12-46.3680 lon:73-53-0.6360 Approximate size of area (parcel) reviewed, including uplands: 85.55 acres.

Name of nearest waterway: Mineral Spring Brook

Name of watershed: HUDSON RIVER - POUGHKEEPSIE TO TROY

#### JURISDICTIONAL DETERMINATION

Completed:	Desktop determination	[]	Date:
	Site visit(s)	[X]	Dates: November 9, 2004, March 22 and August 11, 2005

### Jurisdictional Determination (JD):

[]	Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the
	United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable
	(Reference 33 CFR part 331).

- [X] Approved JD An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
  - [ ] *There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
  - [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 7.32 acres.
  - [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

    [X] Decision supported by SWANCC/Migratory Bird Rulc Information Sheet for Determination of No Jurisdiction.

### BASIS OF JURISDICTIONAL DETERMINATION:

# A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

				•	• /								
[](1	) The	presence	of waters,	which	are currently	used, o	г wcre	used in	the past,	or may	be suscep	tible to	use in
	inter	state or f	orcign con	nmeree,	including al.	l waters	which	are subj	eet to the	e ebb an	d flow of	the tide	

- [] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>.
- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply):
  - [] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or eould be taken and sold in interstate or foreign eommeree.
  - [] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [X] (5) The presence of a tributary to a water identified in (1) (4) above.
- [] (6) The presence of territorial seas.
- [X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign cammerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: The waters of the United States include Mineral Sprin Brook, tributaries to it, and wetlands adjacent to these streams. Mineral Spring Brook discharges into the Hudson River, a navigable waterway, approximately 2 miles away from the site.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[] physical markings/characteristics
	[X] destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[ ] other:
	[] other:	[] one.
	[ ] other.	
	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical markin	gs; [] vegetation lines/changes in vegetation types.
	[X] Wetland houndaries, as shown on the attached we	tland delineation map prepared by: Bcrgmann Associates
	Basis For Not Asserting Jurisdiction:	
	[] The reviewed area consists entirely of uplands.	
	[] Unable to confirm the presence of waters in 33 CF	R part 328(a)(1 2 or 4-7)
	[] Headquarters declined to approve jurisdiction on the	
		that the following waters present on the site are not Waters of
	the United States:	that the following waters present on the site are not waters of
	[] Waste treatment systems, including treatment p	onds or lagoons, pursuant to 33 CFR part 328.3.
	[ ] Artificially irrigated areas, which would revert	
	[] Artificial lakes and ponds created by excavating	
		such purposes as stock watering, irrigation, settling basins, or
	rice growing.	such purposes as stock watering, in gation, setting basins, of
	[ ] Artificial reflecting or swimming pools or other	emall ornamental hodies of water created
	hy excavating and/or diking dry land to retain v	
		idental to construction activity and pits excavated in dry land for
		less and until the construction or excavation operation is
	* *	ts the definition of waters of the United States found at 33 CFR
	328.3(a).	
	[X] Isolated, intrastate wetland with no nexus to in	
	[ ] Prior converted cropland, as determined by the	Natural Resources Conservation Service. Explain rationale:
	[ ] Non-tidal drainage or irrigation ditches excavate	ed on dry land Explain rationale:
	[] Other (explain):	and the second s
DATA 1	REVIEWED FOR JURISDICTIONAL DETERMINA	
	[X] Maps, plans, plots or plat submitted by or on beha	
	[X] Data sheets prepared/submitted by or on behalf of	• •
	[ ] This office concurs with the delineation report,	
	[ ] This office does not concur with the delineation	report, dated , prepared by (company):
	[] Data sheets prepared by the Corps.	
	[X] Corps' navigable waters' studies: listing for Hudso	on River
	[] U.S. Geological Survey Hydrologie Atlas:	
	[] U.S. Geological Survey 7.5 Minute Topographic m	
	[ ] U.S. Geological Survey 7.5 Minute Historic quadra	ngles:
	[ ] U.S. Geological Survey 15 Minute Historic quadran	ngles: Catskill Quadrangle
	[X] USDA Natural Resources Conservation Service So	il Survey: Greenc County
	[ ] National wetlands inventory maps:	
	[X] State/Local wetland inventory maps: NYSDEC, Co	ementon Quadrangle wetland map, 1987
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[X] Aerial Photographs (Name & Date): 2005, 2001, 1	962, 1956, 1947, and 1942
	[X] Other photographs (Date): Taken by consultant in	
	[] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: November 9	2. 2004. March 22 and August 11, 2005
	[ ] Applicable/supporting case law:	, == 0 ., ,
	Other information (please specify):	
	[ ] Other information (picase specify).	

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., oeeurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2004-01340 PROJECT LOCATION INFORMATION: New York State: County: Columbia Center eoordinates of site (latitude/longitude): Approximate size of area (pareel) reviewed, including uplands: 120 aeres. Name of nearest waterway: Claveraek Creek Name of watershed: HUDSON RIVER - NORTH OF TROY JURISDICTIONAL DETERMINATION Completed: Desktop determination Date: [] Site visits [X] Dates: July 15 and October 26, 2005 Jurisdictional Determination (JD): [] Preliminary JD - Based on available information, [] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [X] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [X] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 3.94 acres of wetland 3,936 linear feet of watercourse [X] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [X] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [ ] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [ ] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [ ] (2) The presence of interstate waters including interstate wetlands<sup>1</sup>. [ ] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (cheek all that apply): [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, dacument navigability and/or interstate commerce cannection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Wetlands on the site are associated with Claverack Creek, which ultimately drains to the Hudson River, a navigable waterway.

[X] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

Lateral Extent of Jurisdiction: (Reference: 33 CFR	parts 328 and 329)
[X] Ordinary High Water Mark indicated by:	[] High Tide Line indicated by:
[X] clear, natural line impressed on the bank	[] oil or scum line along shore objects
[X] the presence of litter and debris	[] fine shell or debris deposits (foreshore)
[X] changes in the character of soil	[] physical markings/characteristics
[X] destruction of terrestrial vegetation	[] tidal gages
[X] shelving	[ ] other:
[ ] other:	
[] Mean High Water Mark indicated by: [] survey to available datum; [] physical marking	s; [] vegetation lines/ehanges in vegetation types.
[X] Wetland boundaries, as shown on the attached wet Terrestrial Environmental Specialists, Inc. (TES)	land delineation map and/or in a delineation report prepared by:
Basis For Not Asserting Jurisdiction:	
[ ] The reviewed area consists entirely of uplands.	
[ ] Unable to confirm the presence of waters in 33 CFF	R part 328(a)(1, 2, or 4-7).
[ ] Headquarters declined to approve jurisdiction on the	e basis of 33 CFR part 328.3(a)(3).
[X] The Corps has made a ease-specific determination	that the following waters present on the site are not Waters of
the United States:	
[ ] Waste treatment systems, including treatment po	nds or lagoons, pursuant to 33 CFR part 328.3.
[ ] Artificially irrigated areas, which would revert to	
[] Artificial lakes and ponds created by exeavating	
retain water and which are used exclusively for rice growing.	such purposes as stock watering, irrigation, settling basins, or
[] Artificial reflecting or swimming pools or other	small ornamental hodies of water ereated
by exeavating and/or diking dry land to retain w	
	dental to construction activity and pits excavated in dry land for
	ess and until the construction or excavation operation is
	s the definition of waters of the United States found at 33 CFR
328.3(a).	
[X] Isolated, intrastate wetland with no nexus to int	
	Natural Resources Conservation Service. Explain rationale:
[] Non-tidal drainage or irrigation ditches excavate	d on dry land. Explain rationale:
[] Other (explain):	
DATA REVIEWED FOR JURISDICTIONAL DETERM	AINATION (mark all that apply):
[X] Maps, plans, plots or plat submitted by or on behal	
[X] Data sheets prepared/submitted by or on behalf of	
[X] This office concurs with the delineation report,	
[ ] This office does not concur with the delineation	
[] Data sheets prepared by the Corps.	
[] Corps' navigable waters' studies:	
[ ] U.S. Geological Survey Hydrologic Atlas:	
[X] U.S. Geological Survey 7.5 Minute Topographic m	
[X] U.S. Geological Survey 7.5 Minute Historic quadra	
[] U.S. Geological Survey 15 Minute Historic quadran	
[X] USDA Natural Resources Conservation Service Soi	l Survey:
[X] National wetlands inventory maps:	
[X] State/Local wetland inventory maps:	
[X] FEMA/FIRM maps (Map Name & Date):	
[] 100-year Floodplain Elevation is: (NGVD)	
[X] Aerial Photographs (Name & Date):	
[X] Other photographs (Date):	
[] Advanced Identification Wetland maps:	Ostobos 26, 2005
[X] Site visit/determination conducted on: July 15 and	October 20, 2005
[] Applicable/supporting case law:	
[] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87) Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made

dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE:

NEW YORK DISTRICT (CENAN)

FILE NUMBER:

2005-00452

#### PROJECT LOCATION INFORMATION:

State:

New York

County:

Essex

Center coordinates of site (latitude/longitude): lat:44-28-58.0080 lon:73-25-0.9840

Approximate size of area (parcel) reviewed, including uplands: 3 acres.

Name of nearest waterway: Lake Champlain Name of watershed: LAKE CHAMPLAIN

### JURISDICTIONAL DETERMINATION

Completed:

Desktop determination

[X]

Date: January 17, 2006

Site visit(s)

[X]

Date(s): March 26, 2006

## Jurisdictional Determination (JD):

[X	[] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).
[]	Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply:
	[] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[ ] There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area:
	[] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

## BASIS OF JURISDICTIONAL DETERMINATION:

### A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

[X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

### B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

[X](1)	) The pres	sence of v	vaters,	which	аге	currently	used,	or were	used in	the pa	ast, or	may l	e susc	eptible to	use ir
	interstate	or foreign	1 comn	nerce,	incl	uding all	waters	which	are subj	ect to	the eb	b and	flow o	f the tide	
[1/2)	The presi	ence of in	teretate	e water	e in	cludina ir	nterstar	te wetla	ndel						

[] (2) The presence of interstate waters including interstate wetlands'.

- [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairic potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):
  - [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.
  - [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.
  - [ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.
- [] (4) Impoundments of waters otherwise defined as waters of the US.
- [ ] (5) The presence of a tributary to a water identified in (1) (4) above.
- [ ] (6) The presence of territorial seas.
- [] (7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes cheeked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination: Lake Champlain is condsidered a Federally navigable waterway

	Lateral Extent of Jurisdiction: (Reference: 33 Cl	FR parts 328 and 329)
	[X] Ordinary High Water Mark indicated by:	[ ] High Tide Line indicated by:
	[] clear, natural line impressed on the bank	[] oil or scum line along shore objects
	[] the presence of litter and debris	[ ] fine shell or debris deposits (foreshore)
	[] changes in the character of soil	[ ] physical markings/characteristics
	destruction of terrestrial vegetation	[] tidal gages
	[] shelving	[ ] other:
	[X] other: Elevation of 99.8' amsl	
	[ ] Mean High Water Mark indicated by:	dans Thomas and Francisco
	[] survey to available datum; [] physical mark	tings; [] vegetation lines/changes in vegetation types.
	[ ] Wetland boundaries, as shown on the attached w	ectland defineation map and/or in a delineation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[ ] The reviewed area consists entirely of uplands.	
	[ ] Unable to confirm the presence of waters in 33 (	CFR part 328(a)(1, 2, or 4-7).
	[ ] Headquarters declined to approve jurisdiction on	the basis of 33 CFR part 328.3(a)(3).
		on that the following waters present on the site are not Waters of
	the United States:	
		ponds or lagoons, pursuant to 33 CFR part 328.3.
	[] Artificially irrigated areas, which would rever	
	[ ] Artificial lakes and ponds created by excavati	
		for such purposes as stock watering, irrigation, settling basins, or
	rice growing.	
	[ ] Artificial reflecting or swimming pools or oth	
	by excavating and/or diking dry land to retain	· ·
	[ ] Water-filled depressions created in dry land is	ncidental to construction activity and pits excavated in dry land for
	the purpose of obtaining fill, sand, or gravel is	unless and until the construction or exeavation operation is
	abandoned and the resulting body of water m 328.3(a).	eets the definition of waters of the United States found at 33 CFR
	[ ] Isolated, intrastate wetland with no nexus to i	interstate commerce.
		ne Natural Resources Conservation Service. Explain rationale:
	Non-tidal drainage or irrigation ditches excav	
	Other (explain):	ated on dry rand. Explain rationale.
	[ ] Other (explain).	
DATA	REVIEWED FOR JURISDICTIONAL DETERMIN	IATION (mark all that apply)
DATA	[X] Maps, plans, plots or plat submitted by or on be	
	[ ] Data sheets prepared/submitted by or on behalf of	• •
	[ ] This office concurs with the delineation repor	
	[ ] This office does not concur with the delineati	ion report, dated , prepared by (company):
	[ ] Data sheets prepared by the Corps.	
	[X] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[X] U.S. Geological Survey 7.5 Minute Topographic	e mans:
	[ ] U.S. Geological Survey 7.5 Minute Historic quad	
	U.S. Geological Survey 15 Minute Historic quadr	
	[ ] USDA Natural Resources Conscrvation Service S	Soil Survey:
	[] National wetlands inventory maps:	
	[] State/Local wetland inventory maps:	
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
	[] Aerial Photographs (Name & Date):	
	[ ] Other photographs (Date):	
	[] Advanced Identification Wetland maps:	2006
	[X] Site visit/determination conducted on: March 26	, 2000
	[ ] Applicable/supporting case law:	
	[] Other information (please specify):	·

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE FILE NUMBER:	E: NEW YORK DI 2005-00928	STRICT	(CENAN)			
State: County: Center coordinates of Approximate size of	f arca (parcel) reviewed, industries for the formation and the formation of the formation and the formation of the formation		-42.9840 lon:73-46-39.0000 plands: 15 acres.			
JURISDICTIONAL Completed:	<b>DETERMINATION</b> Desktop determination Site visit(s)	[ ] [X]	Date: Date(s): November 22, 2005			
Jurisdictional De	termination (JD):					
United			] there appear to be (or) [] there appear to be no "waters of the he United States" on the project site. A preliminary JD is not appealable			
[X] Approved JD Check all that		ealable a	ction (Reference 33 CFR part 331).			
L 4	navigable waters of the Uni reviewed area. Approximat		s" (as defined by 33 CFR part 329 and associated guidance) jurisdictional area:			
	waters of the United States' ea. Approximate size of ju		ned by 33 CFR part 328 and associated guidance) within the all area:			
			vaters or wetlands" within the reviewed area.  tory Bird Rule Information Sheet for Determination of No Jurisdiction.			
BASIS OF JURISDI	ICTIONAL DETERMINA	ΓΙΟΝ:				
<ul> <li>A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":</li> <li>[] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.</li> </ul>						
<ul> <li>B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":</li> <li>[] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign eommerce, including all waters which are subject to the ebb and flow of the tide.</li> <li>[] (2) The presence of interstate waters including interstate wetlands¹.</li> <li>[] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply): <ul> <li>[] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes.</li> <li>[] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.</li> <li>[] (iii) which are or could be used for industrial purposes by industries in interstate commerce.</li> <li>[] (4) Impoundments of waters otherwise defined as waters of the US.</li> <li>[] (5) The presence of a tributary to a water identified in (1) - (4) above.</li> </ul> </li> <li>[] (6) The presence of territorial seas.</li> </ul>						

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:

[] (7) The presence of wctlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR par	rts 328 and 329)
	[] Ordinary High Water Mark indicated by:	] High Tide Line indicated by:
		oil or seum line along shore objects
	[] the presence of litter and debris	] fine shell or debris deposits (foreshore)
		] physical markings/characteristics
	<del></del>	] tidal gages
		other:
	[] other:	1
	[] Mean High Water Mark indicated by:	
	[] survey to available datum; [] physical markings;	[] vegetation lines/changes in vegetation types.
	[] Wetland boundaries, as shown on the attached wetland	delincation map and/or in a delincation report prepared by:
	Basis For Not Asserting Jurisdiction:	
	[ ] The reviewed area consists entirely of uplands.	
	[ ] Unable to confirm the presence of waters in 33 CFR p	art 328(a)(1, 2, or 4-7).
	[ ] Headquarters declined to approve jurisdiction on the ba	
		it the following waters present on the site are not Waters of
	[] Waste treatment systems, including treatment ponds	s or Jagoons, pursuant to 33 CFR part 328 3
	[] Artificially irrigated areas, which would revert to u	
	Artificial lakes and ponds created by excavating and	
		h purposes as stock watering, irrigation, settling basins, or
	rice growing.	perpended as stock watering, irrigation, setting outling, or
	[ ] Artificial reflecting or swimming pools or other sm	all ornamental bodies of water created
	by excavating and/or diking dry land to retain wate	
		ital to construction activity and pits excavated in dry land for
		and until the construction or excavation operation is
		ne definition of waters of the United States found at 33 CFR
	328.3(a).	e definition of waters of the Office Blates found at 55 CTR
	[X] Isolated, intrastate wetland with no nexus to interst	tate commerce
	Prior converted cropland, as determined by the Nati	
	[] Non-tidal drainage or irrigation ditches excavated o	
	[] Other (explain):	in dry taild. Explain failuine.
	[ ] Other (explain).	
	ATA REVIEWED FOR JURISDICTIONAL DETERMIN	
	[X] Maps, plans, plots or plat submitted by or on behalf o	
l	[X] Data sheets prepared/submitted by the Louis Berger G	
		ted August 31, 2005, prepared by the Louis Berger Group, Inc.
_	[] This office does not concur with the delineation rep	port, dated , prepared by (company):
	Data sheets prepared by the Corps.	
	[ ] Corps' navigable waters' studies:	
	[ ] U.S. Geological Survey Hydrologic Atlas:	
	[ ] U.S. Geological Survey 7.5 Minute Topographie maps:	
	[ ] U.S. Geological Survey 7.5 Minute Historic quadrangle	
	[ ] U.S. Geological Survey 15 Minute Historic quadrangles	
	[ ] USDA Natural Resources Conservation Service Soil Su	.rvey:
	[X] National wetlands inventory maps: for Jamaica Bay	
	[] State/Local wetland inventory maps:	
	[ ] FEMA/FIRM maps (Map Name & Date):	
	[ ] 100-year Floodplain Elevation is: (NGVD)	
-		ed August 2005 & Fig. 4 NYS Freshwater & Tidal Wetlands dated
	August 2005.	
	[X] Other photographs: <u>Undated</u>	
	[ ] Advanced Identification Wetland maps:	
	[X] Site visit/determination conducted on: November 22, 2	<u>2005</u> .
	[ ] Applicable/supporting case law:	
[	[ ] Other information (please specify):	

Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

2The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made

dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

U.S. Army Corps of Engineers

DISTRICT OFFICE: NEW YORK DISTRICT (CENAN) FILE NUMBER: 2005-01252 PROJECT LOCATION INFORMATION: State: New Jersey Middlesex County: Center coordinates of site (latitude/longitude): lat:40-32-38.5080 lon:74-14-7.7280 Approximate size of area (pareel) reviewed, including uplands: 11.25 acres. Name of nearest waterway: Woodbridge Creek Name of watershed: ARTHUR KILL JURISDICTIONAL DETERMINATION Completed: Desktop determination [X]Date: December 7, 2005 Site visit(s) [] Date(s): Jurisdictional Determination (JD): [X] Preliminary JD - Based on available information, [X] there appear to be (or) [] there appear to be no "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331). [ ] Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331). Check all that apply: [ ] There are "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: 1 There are "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: [ ] There are "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area. [] Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction. BASIS OF JURISDICTIONAL DETERMINATION: A. Waters defined under 33 CFR part 329 as "navigable waters of the United States": [X] The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce. B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States": [X] (1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide. [] (2) The presence of interstate waters including interstate wetlands. [] (3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply); [ ] (i) which are or could be used by interstate or foreign travelers for recreational or other purposes. [] (ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above). If the jurisdictional water or wetland is not itselfa navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rational eused to make adjacency determination: Woodbridge Creek and associated wetland system is subject to the ebb and flow of the tide and is a tributary to Arthur Kill that is considered to be a navigable water of the United States.

[ ] (iii) which are or could be used for industrial purposes by industries in interstate commerce.

[] (7) The presence of wetlands adjacent to other waters of the US, except for those wetlands adjacent to other wetlands.

[ ] (4) Impoundments of waters otherwise defined as waters of the US. [X] (5) The presence of a tributary to a water identified in (1) - (4) above.

[] (6) The presence of territorial seas.

	Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329	9)	
	[] Ordinary High Water Mark indicated by: [] High Tide Li	ne indicated by:	
		ine along shore objects	
		debris deposits (foreshore)	
		kings/eharacteristics	
	[] destruction of terrestrial vegetation [] tidal gages	Kings characteristics	
	[] shelving [] other:		
	[ ] other:		
	<ul><li>[x] Mean High Water Mark indicated by:</li><li>[x] survey to available datum; [x] physical markings; [x] vegetation</li></ul>	lines/changes in vegetation types.	
	[x] Wetland boundaries, as shown on the attached wetland delineation ma North Field Basin Wetland Creation Plan submitted on August 2005 and		
	Basis For Not Asserting Jurisdiction:		
	[] The reviewed area eonsists entirely of uplands.		
	[ ] Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2,	or 4+7)	
	[] Headquarters declined to approve jurisdiction on the basis of 33 CFR		
	[] The Corps has made a ease-specific determination that the following v	[] The Corps has made a ease-specific determination that the following waters present on the site are not Waters of the United States:	
	[ ] Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.		
	[] Artificially irrigated areas, which would revert to upland if the irrigation eeased.		
	[ ] Artificial lakes and ponds created by excavating and/or diking dry land to collect and		
	retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.  [ ] Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.  [ ] Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land fo		
	the purpose of obtaining fill, sand, or gravel unless and until the ed abandoned and the resulting body of water meets the definition of		
	328.3(a).		
	[] Isolated, intrastate wetland with no nexus to interstate commerce.		
	[] Prior converted cropland, as determined by the Natural Resources C		
	[ ] Non-tidal drainage or irrigation ditches exeavated on dry land. Exp [ ] Other (explain):	olain rationale:	
DATA	TA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all the	at apply):	
	[x] Maps, plans, plots or plat submitted by or on behalf of the applicant.		
	[x] Data sheets prepared/submitted by or on behalf of the applicant.		
	[x] This office concurs with the delineation report, dated April 4, 2005	prepared by (company): PARSONS	
	· · · · · · · · · · · · · · · · · · ·	, prepared by (eompany):	
	Data sheets prepared by the Corps.	, propared by (company).	
	[ ] Corps' navigable waters' studies:		
	[ ] U.S. Geological Survey Hydrologic Atlas:		
	[ ] U.S. Geological Survey 7.5 Minute Topographic maps:		
	[] U.S. Geological Survey 7.5 Minute Historic quadrangles:		
	[] U.S. Geological Survey 15 Minute Historic quadrangles:		
	[ ] USDA Natural Resources Conservation Service Soil Survey:		
	[ ] National wetlands inventory maps:		
	[ ] State/Local wetland inventory maps:		
	[ ] FEMA/FIRM maps (Map Name & Date):		
	[] 100-year Floodplain Elevation is: (NGVD)		
	[ ] Aerial Photographs (Name & Date):		
	[x] Other photographs (Date): <u>Undated</u>		
	[] Advanced Identification Wetland maps:		
	[] Site visit/determination conducted on:		
	[] Applicable/supporting case law:		
	[] Other information (please specify):		

<sup>&</sup>lt;sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>&</sup>lt;sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.